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WAR FOOD ADMINISTRATION

[WFO 116]

PART 1470—FOOD STORAGE FACILITIES

ALLOCATION OF FREEZER SPACE AND PRIORITY OF DELIVERY

The fulfillment of the requirements of the defense of the United States will result in a shortage in the supply of freezer facilities in public cold storage warehouses for defense, for private account, and for export, and the following order is deemed necessary and appropriate in the public interest, and to promote the national defense:

§ 1470.7 *Allocation of freezer space and priority of delivery*—(a) *Definitions*. When used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:

(1) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not, and includes the United States, or any agency thereof, any state or political subdivision or agency thereof, and any other governmental agency.

(2) "Public cold storage warehouse" means any artificially-cooled warehouse or other artificially-cooled place of storage, the operator of which is engaged in storing goods therein for compensation.

(3) "Freezer space" means any space in a public cold storage warehouse which can be maintained at a temperature of 29 degrees Fahrenheit or lower, and shall include any portion of such space which is held or controlled by any person other than the operator of the warehouse, but shall not include that portion of such storage space occupied by individual lockers having a capacity of less than 25 cubic feet each.

(4) "Emergency order" means any contractor or order for the use of freezer space to which an allocation authorization has been assigned by the Director as provided in this order.

(5) "Government agency" means any office, board, commission, independent establishment, authority, corporation, department, bureau, branch, division, institution, service, administration, or other unit of the United States Government.

(6) "Armed Services of the United States" means the Army, Navy, Marine Corps, or Coast Guard of the United States, excluding, for the purposes of this order, United States Army post exchanges, United States Navy ships' service departments, United States Marine Corps post exchanges, and similar organizations.

(7) "Food" means all commodities and products, simple, mixed, or compounded, that are or may be eaten or drunk by either humans or animals, irrespective of other uses to which such commodities or products may be put, and at all stages of processing from the raw commodity to the product thereof in a vendible form for immediate human or animal consumption.

(8) "Unoccupied space" means freezer space not physically occupied by any commodity.

(9) "Director" means the Director of Distribution, War Food Administration.

(b) *Freezer space allocation authorizations*. (1) The Director may issue allocation authorizations allocating to the Armed Services of the United States the use of freezer space in public cold storage warehouses. Such authorizations may be assigned to contracts or orders for freezer space prior to or after the time of placing or acceptance.

(2) Allocation authorizations shall be issued only:

(i) With respect to storage of a definite amount of product, or with respect to a definite amount of freezer space;

(ii) For the storage of frozen meat, frozen poultry, or meat or poultry to be frozen;

(iii) For storage in freezer space in public cold storage warehouses located in a specified one of the following cities:

Baltimore, Md.	Kansas City, Mo.
Buffalo, N. Y.	Milwaukee, Wis.
Chicago, Ill.	Minneapolis, Minn.
Cincinnati, Ohio.	Nashville, Tenn.
Dallas, Tex.	Omaha, Nebr.
Denver, Colo.	Philadelphia, Pa.
Detroit, Mich.	Salt Lake City, Utah.
Duluth, Minn.	Springfield, Ill.
Fort Worth, Tex.	St. Paul, Minn.
Kansas City, Kans.	St. Louis, Mo.

(c) *Duration of freezer space allocation authorizations*. Each allocation authorization shall specify a period ending not later than 11:59 p. m., e. w. t., on the seventh day following the date of issuance, during which all emergency orders to which the authorization is applicable must be placed with any person operating a public cold storage warehouse which has unoccupied freezer space or in which freezer space becomes unoccupied before the termination of such period. The authorization shall expire and be without force and effect as to any emergency order not so placed before the termination of such period. All such allocation authorizations may be revoked at any time by the Director. Nothing contained in this order shall authorize the holding of reservations of freezer space for any period of time in excess of that permitted under any other applicable war food order or orders.

(d) *Compulsory acceptance and execution under emergency orders*. An emergency order must be accepted and the commodity tendered for storage thereunder must, in preference to any other commodity, be placed in freezer space to the extent necessary to fulfill the requirements of the emergency order, or to the extent space is or may become unoccupied, except that such acceptance and placing of such commodity in freezer space under such order need not be made:

(1) If there is in the public cold storage warehouse to which such emergency order is presented, no unoccupied freezer space and no such space becomes unoc-

cupied during the time specified within which such emergency order may be placed.

(2) To the extent that the acceptance of such emergency order and the placing of such commodity in freezer space under such order would result in the total occupancy of freezer space by or for the account of all Government agencies of an amount greater than one-half of the total freezer space in any such public cold storage warehouse.

(3) If the Armed Services of the United States have no storage contract or agreement with such public cold storage warehouse and are unwilling or refuse to store commodities therein in accordance with the same terms, conditions, and rates of storage which are available to other persons storing commodities in such warehouse: *Provided*, That there shall be no discrimination against such emergency orders in establishing terms, conditions, and rates of storage.

If the person with whom the emergency order is placed is without authority to accept the order and to comply therewith by placing the tendered commodity in freezer space in the public cold storage warehouse in which such space is requested, he shall immediately inform the person placing the emergency order of this fact and also inform him of the name of the person having such authority. Until such time as the emergency order is withdrawn or the allocation authorization is revoked, the person with whom the order is placed shall not place any commodity, or cause or permit any commodity to be placed within any freezer space in such public cold storage warehouse, except as permitted by this order: *Provided*, That as soon as the person placing the order is notified that the person with whom the order is placed is without authority to accept the order and to comply therewith, an emergency order shall thereupon be placed with the person owning or otherwise exercising control over such public cold storage warehouse.

The placing of any commodity in freezer space other than under such emergency orders shall be deferred to the extent necessary to provide such space for storage of commodities tendered under such emergency orders, even though such deferment may cause defaults under other contracts or orders and even though reservations may have been made of such freezer space for commodities tendered by other persons.

(e) *Placing of emergency orders*. Emergency orders may be placed by regular or registered mail, by telegraph, or by personal service upon the person with whom the order is to be placed.

(f) *Priority of deliveries out of public cold storage warehouses*. Any person operating a public cold storage warehouse shall give precedence to orders issued by the Armed Services for the delivery or removal of frozen meat and frozen poultry out of storage in such

warehouse over orders issued by other persons for the delivery or removal of food out of storage in such warehouse: *Provided*, That such precedence of delivery or removal out of storage shall apply only to such warehouses located in any of the cities listed in paragraph (b) (2) (iii) hereof.

(g) *Failure to comply.* When the terms of an emergency order have not been complied with or priority of delivery not given, and such failure appears to the person placing such order to be improper, a report shall be filed promptly by the Armed Services of the United States with the Director setting forth the facts in connection with such failure to comply. The Director may thereupon take such action as he deems appropriate.

(h) *Contracts.* The requirements of this war food order shall be observed without regard to contracts now existing or hereafter made or any rights accrued or payments made thereunder.

(i) *Records and reports.* Every person participating in a transaction involving an emergency order or with whom an emergency order shall be placed, shall keep and preserve for at least two years accurate records with regard to all of his transactions or activities concerning freezer space in any public cold storage warehouse which he operates. The records required may be kept by preserving the usual business papers and records insofar as they provide the information required. The Director shall be entitled to obtain such information and require such reports and the keeping of such additional records by any person as may be necessary and appropriate in his discretion to the enforcement or administration of the provisions of this order.

(j) *Audits and inspections.* The Director shall be entitled to make such audits and inspection of the books, records, and other writings, and premises of any person participating in any transaction with respect to which a freezer space allocation authorization applies or of any person with whom an emergency order

shall be placed, and to make such investigations as may be necessary or appropriate in his discretion to the enforcement or administration of the provisions of this order.

(k) *Petition for relief from hardship.* Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition should be addressed to Order Administrator, WFO 116, Marketing Facilities Branch, Office of Distribution, War Food Administration, Washington 25, D. C. Petition for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (k) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance therewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final. The filing of any such petition shall not excuse failure to comply with any of the provisions of this order unless the Director specifically authorizes the withholding of compliance pending the disposition of the petition.

(l) *Violations.* Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from receiving, making any deliveries of, or using any material or facility subject to priority

or allocation control by the War Food Administrator. In addition, any person who wilfully violates any provision of this order is guilty of a crime, and may be prosecuted under any and all applicable laws including but not limited to the act of June 28, 1940, as amended by the act of May 31, 1941, and Title III of the Second War Powers Act, 1942. Civil action may also be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(m) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, War Food Order 116, War Food Administration, Washington 25, D. C.

(n) *Delegation of authority.* The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order.

(o) *Territorial extent.* This order shall apply only to the forty-eight (48) states of the United States, and the District of Columbia.

(p) *Effective date.* This order shall become effective at 12:01 a. m., e. w. t., October 13, 1944.

NOTE: All record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 11th day of October 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

War Food Administration Summary to WFO 116

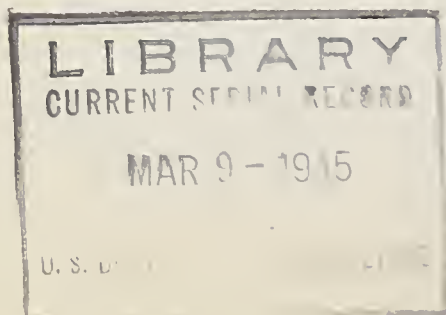
Arrangements for the allocation of freezer space in 20 designated cities has been made by the War Food Administration for the use of the Armed Services for the storage of meats and poultry in leading meat packing centers of the country. This action, effective immediately, has been taken by issuance of War Food Order 116.

The order provides for the issuance of

allocation authorizations for periods of not more than 7 days and applies only to freezer space in cold storage warehouses in the designated cities, which has or will become unoccupied during the specified periods. The order requires application of the allocation to the acceptance of commodities owned by the Armed Services for storage, and provides priority of delivery of such commodities out of storage. It does not affect cooler space and the allocation cannot be used in warehouses whose freezers are more

than 50 percent filled with Government owned commodities.

The 20 cities in which the allocation applies are: Baltimore, Md.; Buffalo, N. Y.; Chicago, Ill.; Cincinnati, Ohio; Dallas, Tex.; Denver, Colo.; Detroit, Mich.; Duluth, Minn.; Fort Worth, Tex.; Kansas City, Kans.; Kansas City, Mo.; Milwaukee, Wis.; Minneapolis, Minn.; Nashville, Tenn.; Omaha, Nebr.; Philadelphia, Pa.; Salt Lake City, Utah; Springfield, Ill.; St. Paul, Minn.; and St. Louis, Mo.



WAR FOOD ADMINISTRATION

WFO 116

AMDT. 2

JAN. 3, 1945

[WFO 116, Amdt. 2]

PART 1470—FOOD STORAGE FACILITIES

ALLOCATION OF FREEZER SPACE AND PRIORITY OF DELIVERY

War Food Order No. 116, § 1470.7 (b) (2) (iii), issued October 11, 1944 (9 F.R. 12406), is amended to read as follows:

(iii) For storage in freezer space in public cold storage warehouses located in a specified one of the following cities or towns:

Baltimore, Md.
Buffalo, N. Y.
Chicago, Ill.
Cincinnati, Ohio.
Dallas, Tex.

Denver, Colo.
Detroit, Mich.
Duluth, Minn.
Fort Worth, Tex.
Georgetown, Del.

Kansas City, Kans.
Kansas City, Mo.
Milwaukee, Wis.
Minneapolis, Minn.
Nashville, Tenn.
National Stock
Yards, Ill.
Omaha, Nebr.

Philadelphia, Pa.
Pittsburgh, Pa.
St. Joseph, Mo.
St. Louis, Mo.
St. Paul, Minn.
Salt Lake City, Utah.
Springfield, Mo.

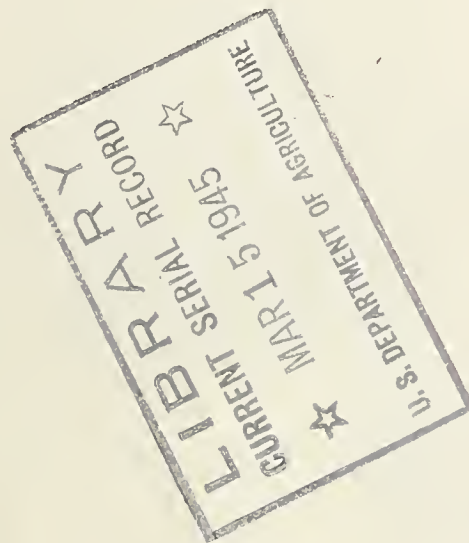
(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; W.F.O. 116, 9 F.R. 12406)

Issued this 3d day of January 1945.

GROVER B. HILL,

First Assistant

War Food Administrator.



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